

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARY JO TAYLOR, as mother and next friend of
her children, J.T., U.T., and T.T., et al., and on
behalf of all others similarly situated,

Plaintiffs,

-vs-

No. CIV 98-1382 JC/DJS

GARY JOHNSON, Governor of the State of
New Mexico, and ROBIN D. OTTEN, Secretary
Designate of the New Mexico Human Services
Department, in their official capacities.

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER came on for consideration of Plaintiffs' Motion for Extension [sic] of Time to Respond to Motion for Partial Summary Judgment, filed April 13, 2000 (*Doc. 173*) ("Motion"). The Court has reviewed the Motion, the memoranda and exhibits submitted by the parties, and the relevant authorities. The Court finds that Plaintiffs' Motion is not well taken and will be denied.

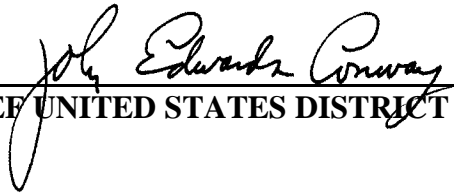
On January 13, 2000, Defendants mailed a copy of their Motion for Summary Judgment on Plaintiffs' Due Process Claims to Plaintiffs. On March 13, 2000, Plaintiffs mailed a copy of their response to Defendants. Plaintiffs now request additional time to respond to Defendants' motion for summary judgment alleging that they "cannot, at this stage of the proceeding, present all of the facts necessary to oppose the motion." Pls.' Mot. at 1. Plaintiffs contend that they have only recently received some relevant documents and that more discovery is needed "in order to fully respond" to Defendants' motion. Pls.' Reply re Mot. for Extension [sic] of Time to Respond to Mot. for Partial Summ. J., filed Apr. 13, 2000 (*Doc. 177*). However, even a liberal reading of Plaintiffs' arguments fails to reveal Plaintiffs' inability to "present by affidavit facts *essential* to justify the party's

opposition” to Defendants’ motion for summary judgment. FED. R. CIV. P. 56(f) (emphasis added). Accordingly, Plaintiffs’ request for additional time in which to respond to Defendants’ motion will be denied.

Wherefore,

IT IS ORDERED that Plaintiffs’ Motion for Extention [sic] of Time to Respond to Motion for Partial Summary Judgment (*Doc. 173*) is **denied**.

DATED this 18th day of April, 2000.



CHIEF UNITED STATES DISTRICT JUDGE

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